

There were no requests to address Council during the open forum session.

The meeting of the Council was held on Monday, December 16, 2013 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Regional Councillor Taylor  
Councillor Di Muccio  
Councillor Emanuel  
Councillor Hempen  
Councillor Kerwin  
Councillor Sponga  
Councillor Twinney  
Councillor Vegh

Staff Present: R. Shelton, Chief Administrative Officer  
I. McDougall, Commissioner of Community Services  
A. Moore, Commissioner of Corporate Services  
R. Nethery, Acting Commissioner of Development and Infrastructure Services  
L. Moor, Council/Committee Coordinator  
S. Niezen, Records and Project Coordinator

Guest: S. Craig, Integrity Commissioner

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

### [Additions & Corrections to the Agenda](#)

Moved by: Councillor Emanuel  
Seconded by: Councillor Twinney

THAT the order of the agenda be altered by including the following items for consideration:

9. A By-law to Appoint Provincial Offences Officers for the Town of Newmarket Animal Control.

10. Joint CAO/Corporate Services Report 2013-05 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report. (Listed as Item 7 on the Council agenda for December 16, 2013 for distribution prior to the meeting)
11. Addendum to Complaint Investigation Integrity Commissioner Report.  
(Related to Item 4 of the Special Committee of the Whole Minutes of December 9, 2013)
12. Special Committee of the Whole Minutes of December 16, 2013 (2:30 p.m.)

### **Carried**

### **Declarations of Pecuniary Interest**

Councillor Di Muccio declared a pecuniary interest with respect to Items 1, 2, 3 and 4 of the Special Committee of the Whole Minutes of December 9, 2013 with respect to the Report of the Integrity Commissioner dated December 3, 2013; Item 7 of the Council agenda of December 16, 2013 with respect to Joint CAO/Corporate Services Report 2013-05 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report; and Item 11 of the Council agenda of December 16, 2013 being an Addendum to Complaint Investigation Integrity Commissioner Report.

Mayor Van Bynen declared a pecuniary interest with respect to Items 1, 2, 3 and 4 of the Special Committee of the Whole Minutes of December 9, 2013 with respect to the Report of the Integrity Commissioner dated December 3, 2013; Item 7 of the Council agenda of December 16, 2013 with respect to Joint CAO/Corporate Services Report 2013-05 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report; and Item 11 of the Council agenda of December 16, 2013 being an Addendum to Complaint Investigation Integrity Commissioner Report .

### **Presentations & Recognitions**

None.

### **Deputations**

None.

## **Approval of Minutes**

1. [Council Minutes of December 2, 2013.](#)

Moved by: Councillor Sponga  
Seconded by: Councillor Kerwin

THAT the Council Minutes of December 2, 2013 be approved.

## **Carried**

## **Correspondence & Petitions**

None.

## **Reports by Regional Representatives**

Regional Councillor Taylor advised that the request from the City of Vaughan for an extra member on Regional Council was deferred to the next term of Council.

## **Reports of Committees and Staff**

2. [Council Workshop Record of December 2, 2013.](#)

Moved by: Councillor Kerwin  
Seconded by: Councillor Twinney

THAT the Council Workshop Record of December 2, 2013 be received.

## **Carried**

Mayor Van Bynen advised that Items 10 and 11 of the Council agenda being Joint CAO/Corporate Services Report 2013-05 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report and Addendum to Complaint Investigation Integrity Commissioner Report related to Item 4 of the Special Committee of the Whole Minutes of December 9, 2013, respectively, would be dealt with at this time and the Integrity Commissioner, Ms. Suzanne Craig, was invited to speak with respect to her addendum report – Item 11 of the Council agenda.

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

Ms. Craig addressed Council regarding the addendum to her report dated December 3, 2013.

Council recessed at 7:26 p.m.

Council reconvened at 7:40 p.m

Ms. Craig provided closing comments regarding the addendum to her report dated December 3, 2013.

3. Joint CAO/Corporate Services Report 2013-05 dated December 13, 2013 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report;

Addendum to Complaint Investigation Integrity Commissioner Report.

Moved by: Councillor Vegh

Seconded by: Councillor Emanuel

THAT Joint CAO/Corporate Services Report 2013-05 dated December 13, 2013 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report and Addendum to Complaint Investigation Integrity Commissioner Report being Items 10 and 11 of the Council agenda of December 16, 2013 be received for information.

**Carried**

4. Report of the Integrity Commissioner dated December 3, 2013 and verbal addendum report of December 16, 2013 with respect to a Breach of Code of Conduct.

Moved by: Councillor Sponga

Seconded by: Councillor Hempen

- a) THAT the report of the Integrity Commissioner dated December 3, 2013 and the verbal report of December 16, 2013 be received and the following recommendations be adopted:
  - i) THAT Council support the report findings;
  - ii) AND THAT Council suspends the remuneration paid to the Respondent for a period of four (4) weeks;
  - iii) AND THAT the remuneration be suspended incrementally from January 1, 2014 until September 30, 2014.

A recorded vote was requested.

In Favour: Councillor Kerwin, Councillor Twinney, Councillor Hempen,  
Councillor Sponga, Councillor Emanuel, Councillor Vegh, Regional  
Councillor Taylor

Opposed: None

7 in favour, 0 opposed

### **Carried**

Mayor Van Bynen and Councillor Di Muccio took no part in the discussion or voting of the foregoing matter.

Regional Councillor Taylor advised that Items 1, 2 and 3 of the Special Committee of the Whole Minutes of December 9, 2013 regarding deputations made at that meeting with respect to this matter would be dealt with at this time.

5. Deputations by Jack Blommesteyn, Alexander Blommesteyn and Nicholas Blommesteyn, and Mr. John Blommesteyn with respect to the Integrity Commissioner's Report.

Moved by: Councillor Vegh

Seconded by: Councillor Kerwin

THAT the Deputations by Jack Blommesteyn, Alexander Blommesteyn and Nicholas Blommesteyn, and Mr. John Blommesteyn be received.

### **Carried**

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

6. [Special Committee of the Whole Minutes of December 9, 2013.](#)

Moved by: Councillor Hempen

Seconded by: Councillor Emanuel

THAT the Special Committee of the Whole Minutes of December 9, 2013, with the exception of 1,2, 3, 4, 5.c) and 6 (Report) be received and the following recommendations be adopted:

7. Presentation by Legislative Services staff with respect to the Comprehensive Review of the Sign By-law.

THAT the PowerPoint presentation by the Supervisor of By-law Enforcement and the By-law Enforcement/Property Standards Officer with respect to the Comprehensive Review of the Sign By-law be received.

8. Deputations by Mr. Roy Dzucko on behalf of CBS Outdoor and Mr. Sid Catalano on behalf of Pattison Signs with respect to the Comprehensive Review of the Sign By-law.

THAT the deputations by Mr. Roy Dzucko of CBS Outdoor and Mr. Sid Catalano of Pattison Signs with respect to the Comprehensive Review of the Sign By-law be received.

9. Presentation by the Director of Legislative Services regarding the Voting Method Options, 2014 Municipal Election.

THAT the PowerPoint presentation by the Director of Legislative Services regarding the Voting Method Options, 2014 Municipal Election be received.

9. Corporate Services Report – Legislative Services 2013-48 dated December 4, 2013 regarding the 2013-2017 Multi-Year Accessibility Plan.

THAT Corporate Services Report – Legislative Services 2013-48 dated December 4, 2013 regarding the 2013-2017 Multi-Year Accessibility Plan be received and the following recommendation be adopted

- a) THAT Council approve the Town of Newmarket 2013-2017 Multi-Year Accessibility Plan.

10. Correspondence dated October 24, 2013 from Mr. Denis Kelly, Clerk, Regional Municipality of York regarding Regional Council Representation.

- a) THAT the Correspondence dated October 24, 2013 from Mr. Denis Kelly, Clerk, Regional Municipality of York regarding Regional Council Representation and the Memorandum from Director of Legislative Services/Town Clerk regarding current disposition of this matter by York Region municipalities be received.

11. Accessibility Advisory Committee Minutes of December 5, 2013.

- a) THAT the Accessibility Advisory Committee Minutes of December 5, 2013 be received.

12. Excerpt of the Accessibility Advisory Committee Minutes of December 5, 2013 – Town of Newmarket 2013-2017 Multi-Year Accessibility Plan as referenced in Corporate Services Report – Legislative Services 2013-48 dated December 4, 2013.
  - a) THAT the excerpt, including the recommendation that the Accessibility Advisory Committee endorses the draft 2013-2017 Multi-Year Accessibility Plan as presented, with the minor terminology modifications suggested and request that it be forwarded to Council for approval, be received.
13. Appendix “C” to Corporate Services – Legislative Services Report 2013-47 dated November 12, 2013 with respect to Comprehensive Review of Sign By-law.
  - a) THAT Appendix “C” to Corporate Services – Legislative Services Report 2013-47 dated November 12, 2013 with respect to Comprehensive Review of Sign By-law be received.

**Carried**

14. Corporate Services Report – Legislative Services 2013-47 dated November 12, 2013 regarding Comprehensive Review of Sign By-law.

An amendment was made to the recommendations with the addition of a further recommendation, as follows:

“AND THAT any business on Davis Drive between Yonge Street and Leslie Street comply with the 2006 – 2013 fee schedule for a further two year period.”

Moved by: Councillor Sponga  
Seconded by: Councillor Vegh

THAT Corporate Services Report – Legislative Services 2013-47 dated November 12, 2013 regarding Comprehensive Review of Sign By-law be received and the following recommendations, as amended, be adopted:

- a) THAT Council adopt the Final Draft Sign By-law attached as Appendix “A”;
- b) AND THAT the following fees be included in the Fees and Charges By-law for the 2014 Budget:

Service Provided	Fee (Excludes HST)
Ground Sign	\$400.00
Fascia Sign	\$400.00
Mural Sign	\$400.00
Projecting Sign	\$400.00
Construction Information Sign	\$400.00
Hoarding Sign	\$400.00
New Home Development Sign	\$100.00
Portable / Mobile Sign	\$100.00
Inflatable Sign	\$400.00
Banner	\$100.00
Election Sign Deposit	\$250.00
Billboard Sign	\$1,500.00
Billboard Sign Renewal	\$500.00
Variance Fee – Staff Review	\$250.00
Variance Fee – Committee	\$500.00
Sign Removal	\$150.00
Election Sign Removal (per sign)	\$25.00

- c) AND THAT any business on Davis Drive between Yonge Street and Leslie Street comply with the 2006 – 2013 fee schedule for a further two year period;
- d) AND THAT Council repeal By-law 2009-79.

A recorded vote was requested.

In Favour: Councillor Emanuel, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Regional Councillor Taylor, Councillor Hempen, Councillor Sponga, Mayor Van Bynen

Opposed: Councillor Di Muccio

8 in favour, 1 opposed

**Carried**

15. Corporate Services – Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding Voting Method Options, 2014 Municipal Election.



- a) THAT Corporate Services – Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding Voting Method Options, 2014 Municipal Election be received and the following recommendations be considered at the January 13, 2014 Committee of the Whole meeting:
  - i) THAT Council endorse Option 2, “Use of Internet Voting” as outlined in this report for use in the 2014 municipal election;
  - ii) AND THAT a by-law be brought forward for consideration by Council to authorize the use of alternative voting equipment and an alternative voting method in the 2014 municipal election accordance with Section 42 1 (a) and (b) of the Municipal Elections Act, 1996;
  - iii) AND THAT the public be invited to comment on Joint Legislative Services & Information Technology Services Report 2013-43 in advance of the January 13, 2014 Committee of the Whole meeting and subsequent Council meeting where the report and authorizing by-law is considered.

A recorded vote was requested.

In Favour: Councillor Emanuel, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Regional Councillor Taylor, Councillor Hempen, Councillor Sponga, Mayor Van Bynen  
 Opposed: Councillor Di Muccio  
 8 in favour, 1 opposed

16. [Special Committee of the Whole \(Closed Session\) of December 9, 2013.](#)

Moved by: Councillor Sponga  
 Seconded by: Councillor Emanuel

THAT the Special Committee of the Whole (Closed Session) Minutes of December 9, 2013 be approved.

**Carried**

With respect to Item 1 of the Special Committee of the Whole (Closed Session) Minutes of December 9, 2013 regarding Marianneville Developments Ltd. (Glenway) (Ward 7), Mayor Van Bynen advised that legal advice was provided with respect to the matter surrounding the pre-hearing conference and the Ontario Municipal Board.

17. Item 2 of the Special Committee of the Whole (Closed Session) Minutes of December 9, 2013 – Development and Infrastructure Services Report – Commissioner 2013-60 – Acquisition of Land.

Moved by: Councillor Sponga

Seconded by: Councillor Kerwin

- a) THAT the direction provided to staff at the December 9, 2013 Special Committee of the Whole (Closed Session) meeting regarding a proposed acquisition of land be approved.

**Carried**

18. [Special Committee of the Whole Minutes of December 16, 2013.](#)

Moved by: Councillor Emanuel

Seconded by: Councillor Twinney

THAT the Special Committee of the Whole Minutes of December 16, 2013 be approved and the following recommendation be adopted:

19. Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding Update – Marianneville Developments Ltd. (Glenway) appeals to the Ontario Municipal Board.

- a) THAT Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding an Update following the OMB Pre-hearing on Tuesday, December 10, 2013 re: Marianneville appeals to the OMB be received for information and that the matter be referred to a January Committee of the Whole meeting for discussion and a subsequent Special Council meeting for decision.

**Carried**

Mayor Van Bynen advised that there was no requirement for a closed session for the Special Committee of the Whole meeting of December 16, 2013.

## By-laws

20. By-Law 2013-66

Moved by: Councillor Sponga  
Seconded by: Councillor Emanuel

THAT By-law 2013-66 be enacted.

2013-66 A By-law to Appoint Provincial Offences Officers for the Town of Newmarket Animal Control.

## Carried

### Notices of Motions

21. Councillor Di Muccio advised that she will be bringing forward a motion regarding the structure of the Newmarket Soccer Club loan bail-out.

### Announcements & Community Events

- 22.
- a) Councillor Vegh invited Ward 1 residents to attend a Ward 1 drop-in on January 7, 2014 from 7-9 p.m. in Multi-Purpose Room 1 at the Magna Centre, 800 Mulock Drive. Councillor Vegh can be contacted at 905-895-7095 for further information.
  - b) Councillor Kerwin invited the public to an outdoor skate at the Tim Hortons Ice and Water Feature at the Newmarket Riverwalk Commons, 200 Doug Duncan Drive. Skaters are welcome to enjoy free outdoor skating Mondays through Sundays from 9 a.m. – 10:30 p.m. (weather permitting). Call 905-895-5193 for more information.
  - c) Councillor Twinney encouraged residents to check out the Town's new informative waste and recycling video on the internet for helpful tips for using blue bins, green bins and yard waste bags. Visit the Town of Newmarket's official YouTube channel at [www.youtube.com/TownofNewmarket](http://www.youtube.com/TownofNewmarket) and click on the "Meet Binny" video to learn about collection schedules, compostable bags for green bins and the 'my waste app'.

- d) Regional Councillor Taylor advised that the Church of Jesus Christ of Latter-day Saints, in co-operation with the Town of Newmarket, presents the 26<sup>th</sup> annual Christmas Pageant, “A Journey to Bethlehem” at Fairy Lake Park (Water Street). There are two shows nightly from December 21 to 23, 2013 at 7 and 8 p.m. The final performance is December 24 at 7 p.m. only. This event features a live cast and real animals. Dress warmly and allow for a 20 minute walk. Admission is free. For further information visit [www.newmarket.ca](http://www.newmarket.ca) or call 905-895-5193.
- e) Councillor Hempen advised that the Town of Newmarket now offers free Wi-Fi at the Municipal “Offices, 395 Mulock Drive, and the Magna Centre, 800 Mulock Drive, as part of a phase one trial program. Currently, there are no additional costs in providing free Wi-Fi to residents at the two facilities and the Town plans to expand the availability of free Wi-Fi at other Town facilities in the near future. For more information, contact the Information Technology Department at 905-895-5193.
- f) Councillor Sponga advised that the Newmarket Ice Lounge is now open. He invited the public to visit the newly built ‘cool’ ice lounge at the Newmarket Riverwalk Commons, 200 Doug Duncan Drive. The Ice Lounge features modern furniture, tables and an outdoor television screen that will be used to broadcast live sports such as hockey and the Olympics during the 2014 Sochi Winter Olympic Games. Also join the conversation online using the #NewmarketIceLounge. Visit [www.newmarket.ca](http://www.newmarket.ca) or call 905—895-5193 for further information.
- g) Councillor Di Muccio advised that the Town of Newmarket requires Aquatics Lifeguards/Instructors for the summer of 2014. Part-time staff is needed for day, evening and weekend positions. When submitting an application, be sure to indicate your availability for hours during the weekdays or in the evenings and weekends. Applications must be submitted online at [www.newmarket.ca](http://www.newmarket.ca) by the end of business day on January 6, 2014.
- h) Councillor Di Muccio also advised that she was a speaker on Live Chat with The Ombudsman of Ontario regarding Closed meetings.
- i) Councillor Emanuel invited the public to celebrate New Year’s Eve at our 10<sup>th</sup> Annual Tim Hortons First Night Newmarket presented by the Town of Newmarket, Tim Hortons and Newmarket Hydro. The event takes place at the Magna Centre, 800 Mulock Drive on December 31 from 5-9 p.m. Enjoy live outdoor family entertainment, rides on the Tim Hortons Express, horse-drawn wagon rides, free skating and swimming. The evening culminates with fireworks and a grand finale countdown at 9 p.m. Admission is free. For more information visit [www.newmarket.ca](http://www.newmarket.ca) or contact 905-895-5193.

- j) Mayor Van Bynen advised that if anyone has anything they wish to discuss with him, he will be at 'Mayor in the Square' at the Newmarket Public Library on December 20, 2013 from 11 a.m. until noon.
- k) Mayor Van Bynen also advised that the Town of Newmarket Municipal Offices are open until noon on December 24, 2013. The offices will close for the holidays and resume regular business hours on January 2, 2014. Please note that the Customer Service Centre at 395 Mulock Drive is open from 10 a.m.-3 p.m. on December 27, 30 and 31, 2013.
- l) Mayor Van Bynen also invited the public to join him and members of Council on January 5, 2014 from 1-3 p.m. at the Community Centre and Lions Hall, 200 Doug Duncan Drive to welcome in the New Year. Enjoy refreshments and entertainment. Admission is free and all are welcome. Please bring a non-perishable food item in support of the Newmarket Food Pantry. For more information, call 905-895-5193 or visit [www.newmarket.ca](http://www.newmarket.ca)
- m) Mayor Van Bynen also advised that the next meeting of Council is Monday, January 20, 2014 at 7 p.m.

### **New Business**

None.

### **Closed Session (if required)**

None.

### **Confirmatory By-law**

23. By-law 2013-67.

Moved by: Councillor Sponga  
Seconded by: Councillor Emanuel

THAT By-law 2013-67 be enacted.

2013-67 A By-law to Confirm the Proceedings of Council at its Meeting held on December 16, 2013.

**Carried**

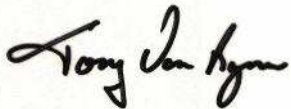
### **Adjournment**

Moved by: Councillor Emanuel  
Seconded by: Councillor Hempen

THAT the meeting adjourn.

**Carried**

There being no further business, the meeting adjourned at 9:25 p.m.



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Tony Van Bynen, Mayor



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Andrew Brouwer, Town Clerk